

ADVERSED  
JUN 02 2003

Entered 12-05-02 sb  
CL 02L0886 GWENDOLYN BURNS

03-*R*-0798

CLAIM OF: CAROL SIMON  
through her attorney  
Bruce A. Hagen, Esq.  
230 Peachtree Street, NW  
Suite 2660  
Atlanta, Georgia 30303

For bodily injuries alleged to have been sustained  
from a trip-and-fall incident on the sidewalk on July  
13, 2001 at AmericasMart on Harris Street.

THIS ADVERSED REPORT IS  
APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

CERTIFIED  
JUN 02 2003  
ATLANTA CITY CLERK  
*Carol M. Haden*

CERTIFIED  
JUN 02 2003  
Renee D. Dwyer  
MUNICIPAL CLERK

## ADVERSE REPORT

PUBLIC SAFETY &

LOCAL ADMINISTRATION COMMITTEE

DATE

*P.S.*

CHAIR

*5/27/03*

*Clara Henson*

*C. T. Martin*

*H. V. Jolly*



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

June 9, 2003

Bruce A. Hagen  
Attorney at Law  
230 Peachtree St., NW  
Suite 2660  
Atlanta, GA 30303

03-R-0798

RE: Carol Simon

Dear Attorney Hagen:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 02, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0886

Date: May 12, 2003

Claimant /Victim CAROL SIMON  
BY: (Atty) (Ins. Co) BRUCE A. HAGAN, Attorney at Law  
Address: 230 Peachtree Street, NW, Suite 2660, Atlanta, Georgia 30303  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 6,479.42  
Date of Notice: 12/2/02 Method: Written, Proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 7/13/01 Place: Harris Street  
Department PUBLIC WORKS Division Street Operations  
Employee involved        Disciplinary Action:       

NATURE OF CLAIM: Claimant alleges that she sustained injuries when she tripped on an uneven section of sidewalk. However the claimant failed to comply with requirements of notice as the statute of limitations expired prior to the City's receipt of claimant's claim. Notwithstanding this fact, an investigation determined that the uneven section is the casing that surrounds an underground vault that is located underneath the sidewalk which houses underground electrical cables and other wires. This vaulted sidewalk is owned and maintained by Georgia Power Company and not the City of Atlanta. The claimant has been so advised.

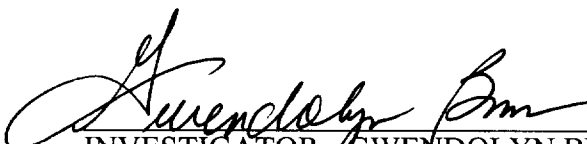
### INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report X Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       


### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2P01        2H01         
Claims Manager:  Concur/date 05-14-03  
Committee Action:        Council Action

RCS# 4761  
6/02/03  
2:42 PM

Atlanta City Council

Regular Session

CONSENT I                      Pgs.1-11 Except:03-O-0767; 03-O-0706

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	E Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**06/02/03 Council Meeting****ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 03-O-0705
2. 03-O-0837
3. 03-O-0717
4. 03-O-0104
5. 03-O-0663
6. 03-O-0711
7. 03-O-0835
8. 03-O-0836
9. 03-O-0840
10. 03-O-0721
11. 03-O-0786
12. 03-O-0587
13. 03-O-0781
14. 02-R-1351
15. 03-R-0822
16. 03-R-0823
17. 03-R-0825
18. 03-R-0828
19. 03-R-0829
20. 03-R-0832
21. 03-R-0833
22. 03-R-0820
23. 03-R-0821
24. 03-R-0845
25. 03-R-0846
26. 03-R-0789
27. 03-R-0790
28. 03-R-0791
29. 03-R-0792
30. 03-R-0793
31. 03-R-0794

**ITEMS ADVERSE  
ON CONSENT  
AGENDA**

32. 02-R-1076
33. 02-R-1077
34. 02-R-1078
35. 02-R-1079
36. 02-R-1080
37. 02-R-1081
38. 02-R-1082
39. 02-R-1083
40. 02-R-1084
41. 02-R-1085
42. 02-R-1086
43. 02-R-1087
44. 02-R-1088
45. 02-R-1089
46. 02-R-1090
47. 02-R-1091
48. 02-R-1092
49. 02-R-1093
50. 02-R-1094
51. 02-R-1095
52. 02-R-1096
53. 02-R-1097
54. 02-R-1098
55. 02-R-1099

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Consent I Vote: 13Yeas; 0Nays: (See RCS #4761)  
Items Removed from the Consent Agenda: 03-O-0767; 03-O-0706